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Of Counsel

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United States Attorney

9 *Attorneys for the United States of America*

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA
SOUTHERN DIVISION

13 RELIASTAR LIFE INSURANCE CO.,)

14 Plaintiff,)

15 v.)

16 JACLYN R. HAFTER, INDIVIDUALLY)
17 AND AS TRUSTEE OF THE HAFTER)
18 FAMILY TRUST DATED JUNE 11, 2011,)
19 BRANDON PHILLIPS, AS TRUSTEE OF)
20 THE JACOB HAFTER TRUST DATED)
21 APRIL 17, 2018, THE UNITED STATES OF)
22 AMERICA, ACTING THROUGH THE)
INTERNAL REVENUE SERVICE, AND)
DOES 1-5)

21 Defendants.)
22 _____)

Case No. 2:18-cv-01166-APG-NJK

**JOINT MOTION AND
STIPULATION TO
DISTRIBUTE INTERPLED FUNDS
AND TO DISMISS UNITED
STATES FROM ACTION WITH
PREJUDICE**

ORDER

23 All of the remaining parties, Jaclyn Hafter, individually and as Trustee of the Hafter
24 Family Trust, dated June 12th, 2011; Brandon Phillips, individually, and as Trustee of the Jacob
25 Hafter Trust, dated April 17, 2018; and the United States of America, on behalf of the Internal
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Revenue Service (“Parties”), by and through undersigned counsel, hereby submit the following Joint Motion and Stipulation to Distribute Funds in Interpleader Action.

1. On June 27, 2018, the ReliaStar Life Insurance Company (“ReliaStar”) commenced this Interpleader Action [Compliant-ECF No. 1] with respect to Life Insurance Policy No. AD13700714 (“Policy”) issued on the life of Jacob L. Hafter with a death benefit in the amount of \$5,000,000.
2. By Order dated November 7, 2018 [ECF No. 26], the Court directed ReliaStar to deposit the death benefits less attorney fees, plus interest into the Court’s Registry Account. Upon deposit of the death benefits, ReliaStar was discharged and dismissed with prejudice from this Interpleader Action.
3. All of the Parties have now reached an agreement whereby certain funds in the Court Registry Account in this matter may be distributed in the following manner.
4. The Parties request that the Clerk of Court be directed to disburse the amount of one-million seven hundred thousand dollars (\$1,700,000.00) to the United States by check made payable to the United States Treasury (the “Tax Payment”) and sent by regular mail (USPS) to the United States Department of Justice ATTN: TAXFLU P.O. Box 310 - Ben Franklin Station Washington, D.C. 20044.
5. Once the Tax Payment is disbursed, it is further stipulated and agreed that Defendant/Claimant THE UNITED STATES OF AMERICA shall be dismissed with prejudice, with each of the Parties agreeing to bear their own costs of litigation, including attorneys’ fees, as they relate to the claims and defenses of THE UNITED STATES OF AMERICA.

- 1 6. The Parties further request that the Clerk of Court be directed to disburse the amount of
2 two-hundred and fifty thousand dollars (\$250,000.00) to Jodie Mandel (the “Mandel
3 Settlement Payment”) by check made payable to her counsel, Rushforth Lee & Kiefer,
4 LLP and mailed to Rushforth Lee & Kiefer, LLP at 1707 Village Center Circle, Suite
5 150, Las Vegas, Nevada 89134. The Mandel Settlement Payment is made pursuant to a
6 settlement by and between Jodie Mandel, as beneficiary of the Jacob Hafter Trust, dated
7 April 17, 2018, Jaclyn Hafter, Shann Winesett, as guardian ad litem of the Hafter
8 children, and Brandon Phillips, as Trustee of the Jacob Hafter Trust, dated April 17,
9 2018.
- 10 7. The Parties further request the Court hold all remaining funds until further order of the
11 Court.
12

13 DATED: September 4, 2109

/s/Henry C. Darmstadter
HENRY C. DARMSTADTER
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Of Counsel
NICHOLAS A. TRUTANICH
United States Attorney
Attorneys for the United States

18
19
20 DATED: September 4, 2019

/s/Cary Colt Payne
CARY COLT PAYNE
Cary Colt Payne, CHTD.
700 S. Eighth Street
Las Vegas, NV 89101
702-383-9010

24 Attorney for Defendant Brandon Phillips, as
25 trustee of the Jacob Hafter Trust dated April
26 17, 2018
27
28

1 DATED: September 4, 2019

/s/Alexander G. LeVeque
ALEXANDER G. LEVEQUE
STEVEN E. HOLLINGSWORTH
Solomon Dwiggin & Freer, Ltd.
Cheyenne West Professional Center
9060 W. Cheyenne Avenue
Las Vegas, NV 89129
702-589-3502

6 Attorneys for defendant Jaclyn R. Hafter

7 **ORDER**

8 NOW THEREFORE, based upon the above Stipulation between the Parties, this Court enters its
9 Orders and Decrees as follows:

10 **IT IS HEREBY ORDERED** that the Clerk of the Court shall release from the interpled
11 funds being held in Case No. 2:18-cv-01166-APG-NJK the sum of one-million seven hundred
12 thousand dollars (\$1,700,000.00) to the United States (the "Tax Payment") by check made
13 payable to the United States Treasury and sent by regular mail (USPS) to the United States
14 Department of Justice ATTN: TAXFLU P.O. Box 310 - Ben Franklin Station Washington, D.C.
15 20044;

16 **IT IS HEREBY ORDERED** that upon distribution of the Tax Payment, The United
17 States of America shall be dismissed from this action with prejudice;

18 **IT IS HEREBY ORDERED** that the Clerk of the Court shall release from the interpled
19 funds being held in Case No. 2:18-cv-01166-APG-NJK the sum of two-hundred and fifty
20 thousand dollars (\$250,000.00) to Jodie Mandel by check made payable to her counsel,
21 Rushforth Lee & Kiefer, LLP and mailed to Rushforth Lee & Kiefer, LLP at 1707 Village Center
22 Circle, Suite 150, Las Vegas, Nevada 89134; and
23

IT IS FURTHER ORDERED that the Court shall hold the remining interplead funds until further order from the Court.

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

Dated: October 2, 2019.